

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DOUGLAS E. BARDEN,
Individually, and as a representative of a class of
Similarly situated consumers,

Plaintiff,

v.

Case No. 06-C-00046

HURD MILLWORK COMPANY, INC.,
HURD WINDOWS & DOORS, INC.
f/k/a MONARCH ACQUISITION COMPANY,
HURD WINDOWS & DOORS, INC.,
MONARCH HOLDINGS, INC.,
and UIS, INC.,

Defendants.

ORDER FOR CERTIFICATION PURSUANT TO SEVENTH CIR. R. 57

This matter came to be heard upon the joint motion of the parties pursuant to Fed. R. Civ. P. 60(b) and 62.1 asking this Court to consider granting relief from its November 5, 2009 Order, in the form of approval of the proposed settlement of the parties, pursuant to Fed. R. Civ. P. 23(e).

Considering the parties desire to settle and the entire record, the Court is of the opinion, and so finds, that the motion for relief raises a substantial issue and that, should the case be remanded to it by the United States Court of Appeals for the Seventh Circuit, it will consider approval of the parties' proposed settlement in accordance with the procedures required under Fed. R. Civ. P. 23(e).

IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded to the United States District Court for the Eastern District of Wisconsin by the United States Court

of Appeals for the Seventh Circuit, this Court will consider and rule upon the parties' motion for approval of the class action settlement under Rule 23(e).

As such, **THE COURT HEREBY ISSUES** this order of certification pursuant to Fed. R. App. P. 12.1 and Seventh Cir. R. 57 and **REQUESTS** the United States Court of Appeals for the Seventh Circuit to remand this case for the limited purposes discussed herein. In the event approval of the class action settlement under Rule 23(e) is not granted by the district court, the matter will be returned to the United States Court of Appeals for the Seventh Circuit for continued prosecution of the pending appeal.

ENTERED this 21st day of April, 2011.

BY THE COURT:

/s _____
Honorable Lynn Adelman
District Court Judge